

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

IN RE:

SUPER PET CENTER INC.

Debtor

Bankruptcy No.: 10-08177 (SEK)

Chapter 11

**MOTION REQUESTING RESCHEDULING OF HEARING**

TO THE HONORABLE COURT:

COME NOW DDR RIO HONDO LLC, S.E., and DDR SEÑORIAL LLC, S.E. (collectively “DDR”), creditors of the above-referenced Debtor, by their undersigned counsel, and for the reasons that follow respectfully move to reschedule the hearing scheduled for January 19, 2011 to consider the approval of the Disclosure Statement:

1. In this chapter 11 case, the Disclosure Statement and Plan of Reorganization were filed on December 28, 2010. See Dkt. Nos. 60 and 61.

2. Thereafter, on December 29, 2010, the Court entered a notice rescheduling a hearing to consider the approval of the Disclosure Statement from February 10, 2011 to January 19, 2011 (the “Notice”). The noticing period was shortened to twenty one (21) days. See Dkt. No. 63.

3. The normal notice period for the hearing to approve a disclosure statement in business cases, is twenty-eight days. Bankr. R. 2002(b), 3017(a).

4. Neither the Notice (nor anything else in the record) shows a reason or basis for reducing this twenty-eight day period. To the contrary, the holiday season alone shows why the normal twenty-eight day period should have been, and should be now, provided to creditors. Because this is a business case, creditors need the full amount of time provided by Rule 2002(b) to exercise their rights.

5. Since there was insufficient legal basis to reduce the normal twenty-eight-day periods to those resulting from the Notice, DDR requests that said Notice be altered, amended, or vacated and consequently, the hearing scheduled for January 19, 2011 be rescheduled for a later date not earlier than January 28, 2011. On January 11, 2011 attempts were made with the

Debtor's counsel to voluntarily reschedule the January 19, 2011 hearing, but Debtor's counsel declined the suggestion.

6. DDR requests emergency consideration of this motion, and that in place of the normal P.R. LBR 9013-1(h) notice, and consistent with P.R. LBR 9013(f), the Court direct that objections and other responses hereto be due on or before 12:00 noon January 18, 2011.

WHEREFORE, DDR requests that (i) said Notice (Dkt. No. 63) be vacated, or altered and amended to provide not less than twenty-eight days' notice for all subjects covered thereby; (ii) the hearing currently set for January 19, 2011 be rescheduled for a later date; and (iii) for such other relief as may be just.

### **LOCAL RULE CERTIFICATION**

The undersigned hereby certify that, pursuant to the requirements of Local Bankruptcy Rule 9013-1(f) they have carefully examined the matters in the Motion and concluded that there is a true need for an emergency determination, for the reasons set forth above; have not created the emergency through any lack of due diligence; and have made attempts with Debtor's counsel to resolve the matter without the need for a hearing.

In San Juan, Puerto Rico, on this 12<sup>th</sup> day of January, 2011.

I hereby certify that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants in this case.

**O'NEILL & BORGES**

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